

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

SYLVANIUS BELL,
Plaintiff(s),

v.

**EMPLOYMENT SECURITY DIVISION,
STATE OF NEVADA, et al.,**

Defendant(s).

Case No.: 2:19-cv-01492-RFB-NJK

ORDER

(Docket No. 11)

On November 6, 2019, the Court dismissed Plaintiff's complaint with leave to amend for failing Fed.R.Civ.P. 8. Docket No. 8. The Court advised Plaintiff that a properly pled complaint must provide a short and plain statement of the claim that shows that the pleader is entitled to relief. *Id.* at 2 (citing Fed.R.Civ.P. 8(a)(2); *Bell Atl. Corp. v. Twombly*, 550 U.S. 544, 555 (2007)). However, “[a]lthough Rule 8 does not require detailed factual allegations, it demands ‘more than a string of facts’ and ‘more than a bare, legal conclusion . . . cast in the form of a statement of claim.’” *Id.* at 2 (quoting *Ashcroft v. Iqbal*, 556 U.S. 662, 678 (2009)). “[T]o comply with Rule 8, a complaint must set forth coherently who is being sued, for what relief, and on what theory, with enough detail to make discovery.” *McHenry v. Renne*, 84 F.3d 1172, 1178 (9th Cir. 1995)). Although the Court does not require pleadings from *pro se* litigants liberally, such litigants must still comply with the basic requirements of Rule 8. *Montgomery v. Las Vegas Metropolitan Police Dept.*, 2014 WL 3724213, at *3 (D. Nev. July 28, 2014).

Now pending before the Court is Plaintiff's amended complaint. Docket No. 11. Plaintiff names the same Defendants he named in his original complaint: Employment Security Division,

1 State of Nevada (“ESD”); Kimberly Gaa; Katie Johnson;¹ and Annette Lexius. *Id.* at 1; *see also*
2 Docket No. 1-1 at 1. The amended complaint appears to start with a discussion of a Nevada state-
3 court case, in which Plaintiff appears to have been a party, that is purportedly related to this case;
4 this discussion takes up almost the first half of the amended complaint and is largely about the
5 judge and opposing counsel in the state case (neither of whom is a defendant in this case) and
6 employees of Defendant ESD. *See* Docket No. 11 at 3–11. The amended complaint then appears
7 to quote the Revised Nevada Code of Judicial Conduct and alleges that the “[state] court violated
8 Plaintiff’s rights for not having a lawyer . . . because of his race.” *Id.* at 10. The amended
9 complaint then changes course and provides the elements of a *prima facie* case of discrimination
10 under Title VII, but the discussion that follows appears to refer to alleged events that occurred
11 during jobs that Plaintiff has had, and does not appear to implicate Defendants.² *See id.* at 12–14.
12 Further, the amended complaint does not appear to actually allege discrimination. Instead, the
13 discussion of discrimination appears to be included as part of Plaintiff’s discussion about the state
14 case being, in his opinion, unfair and wrongly decided. *See id.* In sum, Plaintiff’s amended
15 complaint is even more jumbled than his original complaint, and the Court cannot decipher any
16 claims made against Defendants.

17 For the reasons stated above, the amended complaint is **DISMISSED** with leave to amend.³
18 Docket No. 11. Plaintiff will have until **March 25, 2020**, to file a second amended complaint. If
19 Plaintiff chooses to file a second amended complaint, Plaintiff is informed that the Court cannot
20 refer to a prior pleading (e.g., the original complaint) to make the second amended complaint
21 complete. This is because, generally, an amended complaint supersedes any previous complaint.
22 Local Rule 15-1(a) requires that an amended complaint be complete in itself without reference to
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24 ¹ Defendant Johnson, however, is not mentioned in the body of the amended complaint.

25 ² Plaintiff alleges, for example, that he “suffered adverse employment action when he
26 worked with Security Unlimited” at the hands of his supervisor, “Nancy.” Docket No. 11 at 12.
However, no Defendant is named Nancy.

27 ³ Although the Court warned Plaintiff that a failure to comply with its previous dismissal
28 order would “**result in the recommended dismissal of this case.**” Docket No. 8 at 4, the Court
will give Plaintiff a final chance to amend his complaint to comply with Rule 8.

1 any prior pleading. Once a plaintiff files a second amended complaint, any previous complaint no
2 longer serves any function in the case. Therefore, in an amended complaint, as in an original
3 complaint, each claim and the involvement of each Defendant must be sufficiently alleged.

4 **FAILURE TO COMPLY WITH THIS ORDER WILL RESULT IN THE**
5 **RECOMMENDED DISMISSAL OF THIS CASE.**

6 IT IS SO ORDERED.

7 Dated: February 25, 2020

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9 Nancy J. Koppe
United States Magistrate Judge

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